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over which was a red light, but it was neither locked nor guarded, and no steps led therefrom. The programs of the performance stated that red lights indicated exits. A young man, intending to leave the theater, passed through this door and fell to the sidewalk, receiving fatal injuries. His parents brought an action to recover for his death. In *McCain v. Majestic Bldg. Co.*, 45 Southern Reporter, 258, the Supreme Court of Louisiana, holding that the premises were so placed in the control of the lessee company as to relieve the lessor, denied recovery.

Legal Execution of Insured.—In *Collins v. Metropolitan Life Ins. Co.*, 83 Northeastern Reporter, 542, the Supreme Court of Illinois decided that recovery might be had on the life of a man who was legally executed for murder, as the fact that insured came to his death in this manner did not in any way release the insurance company from liability on the policy.

Effect of Limited Parole.—Plaintiff was sentenced to a term of imprisonment of eight months. When a portion of that time had expired, he was released on parole. Breaking his parole by engaging in a fight, he was remanded to jail, and the authorities attempted to hold him for the full previous term, excluding the time he had been at liberty. In *Scott v. Chichester*, 60 Southeastern Reporter, 95, the Virginia Supreme Court held plaintiff was entitled to his discharge on the expiration of the sentence, including therein his period of parole.

Mandamus to Compel Destruction of Bertillon Measurements.—A police officer compelled plaintiff, who was awaiting arrangements for bail, to be photographed and measured by the Bertillon system. Subsequently plaintiff instituted mandamus proceedings to compel the destruction of the measurements and photograph. In *Gow v. Bingham*, 107 New York Supplement, 1011, the New York Supreme Court, although condemning the action of the police department in strong terms, held that, as there was no express statutory duty imposed upon the police department to keep such records, mandamus would not lie, as such remedy lies only "to compel one to do what ought to be done in the discharge of a public duty."

Injuries to Persons Going between Cars at Crossing.—The Supreme Court of Utah, in *Gesas v. Oregon Short Line R. Co.*, 93 Pacific Reporter, 274, held that a boy who was injured by crossing between the cars of a train, for the moving of which, from a crossing, he had waited for half an hour, was not a trespasser.

Boycott as Violation of Anti-Trust Law.—Complainants, hat manufacturers at Danbury, Conn., engaged in the sale of their product in several states. Defendants, members of a labor union, sought to

unionize the establishment. On complainants refusing to permit this, defendants instituted a boycott against them and those dealers who handled their hats. Complainants contended that defendants' acts violated the federal anti-trust act. The Circuit Court held that the statute was not applicable to labor unions, but the United States Supreme Court, in *Loewe v. Lawlor*, 28 Supreme Court Reporter, 301, upheld complainants' contention, on the ground that the sale of their hats in various states was interstate commerce, thus bringing the boycott within the statute.

Revocation of Will by Subsequent Marriage of Testator.—The contestant of the will in the case of *In re Del Genovese's Will*, 107 New York Supplement, 1033, claimed it had been revoked by her marriage to testator subsequent to the execution of the will. Proponent claimed that the marriage was invalid, as the wife had a husband living at that time; but it appeared that her former husband had disappeared several years before, and that the marriage had been contracted in good faith. The New York Surrogate Court held that the marriage was not void, but was good as to all the world, unless the first husband should appear and institute an action to annul it, and that the marriage revoked the will.

Musical Compositions.—The United States Supreme Court decided in *White-Smith Publishing Co. v. Apollo Co.*, 28 Supreme Court Reporter, 319, that, although the manufacture and sale of perforated rolls, to be used in connection with mechanical piano players, enables a use of musical compositions for which no value is paid, the copyright is not thereby infringed.

Liability for Failure to Levy Execution.—Execution was placed in the hands of the sheriff, after which attorneys for parties interested in the action notified him that they considered the judgment invalid. He consulted other counsel, who expressed the same opinion. He then asked execution plaintiffs for an indemnity bond, which was refused. The Court of Appeals of Kentucky, in *Crane v. Crane*, 105 Southwestern Reporter, 370, decided that the sheriff was not bound to run the risk of the levy without indemnity.

Regulating Hours of Labor of Women.—In *Muller v. Oregon*, 28 Supreme Court Reporter, 324, the United States Supreme Court held the Oregon statute, providing that no woman shall be employed in any mechanical establishment, factory, or laundry more than 10 hours in any one day, constitutional. The decision proceeds on the theory of the inherent difference in physical structure of the two sexes, and the necessity of protecting women both for their own sakes and the welfare of posterity.